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Anne Marie Grunberg
SUPERVISORY PATENT EXAMINER
4/2/07

Docket No. MBI -0022 CIP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of : Heard et al.

Title: PLANT TRANSCRIPTIONAL REGULATORS OF ABIOTIC STRESS

Serial No.: TBA

Filing Date: Herewith

Examiner: TBA

Group Art Unit: TBA

Mail Stop Patent Application
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION FOR INCLUSION OF COLOR PHOTOGRAPHS IN A UTILITY PATENT
APPLICATION PURSUANT TO 37 C.F.R. §1.84(B)(2)

Dear Sir:

This is a request under the provisions of 37 CFR 1. 84(B)(2) to include at least one color photograph in the above-referenced utility patent application. Applicant herewith includes three (3) sets of the color photographs (Figures 6A-6D, and Figures 7A-7B).

Applicant has included the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee.

10/07/2003 TBESHAH1 00000037 501025 10675852

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Certificate of Express Mailing

I hereby certify that this document and referenced attachments are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR ' 1.10, addressed to: Mail Stop Patent Application, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: September 30, 2003

Express Mail label number EV 059 357 296 US

Signature: Jeffrey M. Libby

Printed name: Jeffrey M. Libby

Applicant respectfully submits that the inclusion of color photographs in the utility patent application is necessary for the following reasons.

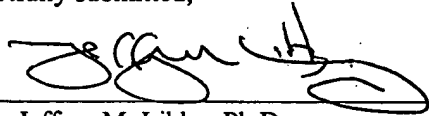
1) For Figures 7A, 7B, 7C and 7D, the effects of water deprivation are best contrasted by comparing the differences in the degree of wilting and color between control and transgenic plants that appear in these photographs. Control plants appear wilted and are pale or gray-green in color, whereas transgenic plants are somewhat less wilted and are a medium green color. This color difference is much more pronounced in the photographs showing the effects of rewatering. Control plants are largely desiccated and brown, whereas the transgenic plants have recovered as indicated by their return to a vivid green color.

2) For Figures 8A-8B, 9A-D, and 10A-10H, the use of color is advantageous in determining the degree of cotyledon expansion, since the edges of the cotyledons are best identified by contrasting their green color against the background.

The Commissioner is hereby authorized to charge Mendel Biotechnology, Inc., Deposit Account No. 50-1025, the amount of \$130.00, the fee for such a petition as set forth under 37 C.F.R. §1.17(i), or charge the correct fee to said Deposit Account, as the Commissioner deems appropriate.

Respectfully submitted,

Date: Sept 29, 2003

By: 
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